



USAID | AFGHANISTAN

Office of Afghanistan & Pakistan Affairs (OAPA)

INITIAL ENVIRONMENTAL EXAMINATION

Amendment 1

PROGRAM/ACTIVITY DATA

Country Code: 306
Program Area: Trade and Investment
Assistance Objective: Developed Business Climate that enables private investment, job creation, and financial independence.
Country or Region: Afghanistan
Activity Name: Mining Investment and Development for Afghans Sustainability (MIDAS)
Funding Period: March 31, 2013 – March 31, 2017
Life of Project Amount: \$86 Million
IEE Prepared by: John Stich
Date: June 9, 2014
IEE Amendment (Y/N): Y, Original IEE: [OAPA-12-SEP-AFG-0061](#), approved by the BEO on 9/12/2012

ENVIRONMENTAL ACTION RECOMMENDED: (place X where appropriate)

Categorical Exclusion	<input checked="" type="checkbox"/>	Deferral	<input type="checkbox"/>
Positive Determination	<input type="checkbox"/>	Negative Determination	<input type="checkbox"/>
Negative Determination With Conditions	<input checked="" type="checkbox"/>	Exemption	<input type="checkbox"/>

1.0 PURPOSE, BACKGROUND AND ACTIVITY DESCRIPTION

1.1. Purpose and Background

The purpose of this Amendment to the IEE for Mining Investment and Development for Afghans Sustainability is to:

1. Reduce the LOP funding from \$90 million in the original IEE to \$86 million.
2. Change the start and end date from 2012-2016 to March 2013 – March 2017.
3. Refine the description of activities.
4. Add a Table of Threshold Decisions that was lacking in the original IEE.

In addition, all activities will be carried out 'off-budget'.

There are no other changes except what is stated above. All conditions, limitations and the stipulation for revisions established in the original IEE remain in force throughout the life of project (LOP).

1.2. Activity Description

The MIDAS program focuses mainly on capacity building in the Ministry of Mines and private sector businesses and works in concert with other donors in that sphere. All activities are done 'off-budget'. There are three Components:

Component 1: Reforming business and investment policies and regulations in the mining sector.

- Supports the Ministry of Mines and Petroleum (MoMP) in preparing regulations, procedures, and other legal tools to effectively develop the mining sector. The aim is to transform the ministry into a regulatory body able to effectively tender and monitor the progress of mineral development.

Component 2: Strengthening capacity at the Ministry of Mining.

- Technical assistance (TA) to develop MoMP expertise in geo-science field investigation, drilling activities, and data analysis to verify the location and quantity of mineral deposits, and evaluate and package tenders. Ministry officials will be supported to manage contracts in line with international standards to ensure transparency, greater government revenue generation, and local economic development.

Component 3: Supporting the private sector and mining project development.

- Community outreach and improving production or services in activities engaged by Afghan Small and Medium Enterprises (SMEs), particularly in geo-science and drilling, construction, transportation and consulting work related to the extractives sector. It will introduce Afghan SMEs to new market opportunities in the mining value chain, facilitate the creation of jobs from mining sector investments and activities, and facilitate communication between MoMP, private sector companies, and local communities to ensure effective cooperation.

2.0 RECOMMENDED THRESHOLD DECISIONS AND MITIGATION ACTIONS

Below are the recommended actions for the activities described above, their impacts on the environment and recommended Threshold Determinations and Conditions, if any:

Table 1: MIDAS project activities and recommended Threshold Decisions

Activity	Effects on natural or physical environment	Recommended Threshold Determination
----------	--	-------------------------------------

Component 1: Reforming business and investment policies and regulations in the mining sector		
Technical assistance, training and education aimed at reforming policies and regulations	No Impact	Categorical Exclusion , no actions required, per 22 CFR 216.2(c)(2)(i) and (iii)
Component 2: Strengthening capacity at the Ministry of Mining and Petroleum		
Technical assistance, training and education aimed at strengthening capacity at the Ministry of Mines and Petroleum	No Impact	Categorical Exclusion , no actions required, per 22 CFR 216.2(c)(2)(i) and (iii)
Data collection, drilling and exploration techniques	Insignificant effect with proper mitigation measures	Negative Determination with Conditions, per 22 CFR 216.2(d)(1)(ii): <i>Conditions:</i> 1) Implementer will use Best Industry Practices, including environmentally sound management of waste material and core samples, regarding exploratory drilling for geological deposits such as copper and gold to minimize contamination of groundwater and soil. 2) Implementer will submit an Environmental Mitigation and Monitoring Plan (EMMP) to the MEO for review and approval before start of activities. See Annex I for a template. 3) Implementer will report on environmental compliance adherence in quarterly and annual reports performance reports.
Component 3: Supporting the private sector and mining project development		
	No Impact	Categorical Exclusion , no actions

Community engagement, technical assistance, training and education aimed at increasing capacity of Afghan businesses to participate in the development of mining concessions		required, per 22 CFR 216.2(c)(2)(i) and (iii)
Training in data collection, drilling and exploration techniques	Insignificant effect with proper mitigation measures	<p>Negative Determination with Conditions, per 22 CFR 216.2(d)(1)(ii)</p> <p><i>Conditions:</i></p> <p>1) Implementer will in its training program Best Industry Practices, including environmentally sound management of waste material and core samples, regarding exploratory drilling for geological deposits such as copper and gold to minimize contamination of groundwater and soil.</p> <p>2) Implementer will submit training plans to the MEO for review and approval before start of activities.</p> <p>3) Implementer will report on environmental compliance adherence in quarterly and annual reports performance reports.</p>

3.0 ENVIRONMENTAL RECOMMENDATIONS

Recommended Action: *Categorical Exclusions* (ca. 50 % of funding)

MIDAS activities for components 1, 2 and 3 that do not have an effect on the natural and physical environment fit within the categories listed in 22 CFR 216.2 (c)(2) and are categorically excluded from any further environmental review requirements. The originator of the proposed action has determined that the proposed activities are within the following classes of actions:

- Education, technical assistance, or training programs, except to the extent such programs include activities directly affecting the environment (such as construction of facilities, etc.). [22 CFR 216.2(c)(2)(i)];
- Analyses, studies, academic or research workshops and meetings. [22 CFR 216.2(c)(2)(iii)];

Recommended Action: *Negative Determination with Conditions* (ca. 50 % of funding)
Data collection, drilling and exploration techniques under Component 2 and 3 has received a Negative Determination with Conditions. *Conditions:*

1. Implementer will use Best Industry Practices, including environmentally sound management of waste material and core samples, regarding exploratory drilling for geological deposits such as copper and gold to minimize contamination of groundwater and soil.
2. Implementer will submit an Environmental Mitigation and Monitoring Plan (EMMP) to the MEO for review and approval before start of activities. See Annex I for a template.
3. Implementer will report on environmental compliance adherence in quarterly and annual reports performance reports.

4.0 CONDITIONS AND IMPLEMENTER'S PROCEDURES

1. The implementer shall be responsible for execution of all recommendations resulting from this IEE.
2. Each activity should be conducted in a manner compliant with all applicable legislation; regulation and standards of Afghanistan and national obligations under ratified applicable international environmental agreements and conventions; and in their absence with best management and industry practice acceptable to USAID.
3. The implementer(s) shall minimize the use of, and properly dispose of, hazardous materials and waste.
4. For procurement and use of pesticides, including microbials for cleaning of healthcare facilities, the implementer shall adhere to the Programmatic Pesticide Evaluation Report and Safer Use Action Plan (P-PERSUAP), approved by the BEO on September 4, 2013 (see <http://gemini.info.usaid.gov/egat/envcomp/repository/pdf/39391.pdf>). The P-PERSUAP shall be amended when warranted.
5. When equipment (computers; etc.) is procured it should be disposed in an environmentally safe manner at the end of its life by a certified company in accordance with the GIRoA laws, and in the absence of such organization, in accordance with international best practice acceptable to USAID (alternatively, when procuring equipment from a licensed provider/dealer an agreement may be reached that such equipment will be returned to the dealer for its environmentally safe disposal).
6. As appropriate, the implementer(s) will obtain necessary approvals from national authorities for environmental compliance documentation, including applicable permits, licenses, etc.
7. All activities will be consistent with good design and implementation practices acceptable to USAID as described in:
 - a. USAID's ***Sector Environmental Guidelines*** as provided at <http://www.usaidgems.org/sectorGuidelines.htm>
 - b. ***EBRD Sub-sectoral Environmental and Social Guidelines*** at <http://www.ebrd.com/pages/about/what/policies/guidelines.shtml>

- c. **ADB Environmental Guidelines** at http://www.adb.org/sites/default/files/pub/2003/Environmental_Assessment_Guidelines.pdf
 - d. **IFC Environmental; Health and Safety Guidelines** as provided at <http://www.ifc.org/ifcext/sustainability.nsf/Content/EnvironmentalGuidelines>;
 - e. **World Bank Road and the Environment Handbook** as provided at: <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTTRANSPORT/EXTROADSHIGHWAYS/0..contentMDK:20457855~menuPK:1459669~pagePK:148956~piPK:216618~theSitePK:338661,00.html>
 - f. **World Bank Environmental Handbook and Updates** at <http://go.worldbank.org/LLF3CMS110>
 - g. Any other international best practices readily available from Organisation for Economic Co-operation and Development (OECD), United Nations Environmental/Development Programme (UNEP/UNDP) (or European Union (EU)).
8. The implementer will have a qualified, Mission Environmental Officer (MEO)-approved Environmental Professional(s) (EP) who coordinates the implementation of environmental mitigation measures, monitoring, and reporting to the USAID/Afghanistan Agreements/Contracts Officer Representative (A/COR). Should an EP lack any special technical knowledge to identify any special environmental impact, the implementer will consult with a specialist in the relevant area.
 9. Continuous environmental monitoring, evaluation, reporting and supervision will be conducted during project implementation. Quarterly, semi-annual and annual reports, as applicable, will contain sections on environmental compliance. The implementer(s) will submit an **Environmental Mitigation and Monitoring Plan (EMMP)** within 30 days of the signing of the award for USAID A/COR and MEO approval. An EMMP template is provided in Annex B.
 10. At the “Post-Award Conference”, A/COR and the MEO will meet with the implementer to explain conditions established in the original and amended IEEs.

5.0 RESOURCE ALLOCATION, TRAINING AND REPORTING REQUIREMENTS

1. The contract with the implementer shall include a requirement to comply with all conditions of the IEE and any other environmental mitigation and monitoring documentation approved by the Bureau Environmental Officer / Office of Afghanistan and Pakistan Affairs (BEO/OAPA). The implementer will be responsible for training its staff and sub-contractors on the contract’s environmental requirements and for ensuring compliance of the environmental requirements.
2. The implementer shall have sufficient staff with expertise in an environmental field and resources to implement and report on the expected scope of environmental compliance work. The implementer will document, using cameras/photos, schemes and maps, the status of environmental (and social) conditions on site and in the area of influence prior to, during, and after implementation of projects and activities. This evidence may be also used for providing USAID and GIRoA with lessons learned and best practices.
3. The implementer will have the following documentation and reporting requirements associated with environmental compliance:

- a. Mitigation and Monitoring Reports will be submitted to USAID monthly, and not on an annual basis. Reporting will include photographic documentation and site monitoring reports which fully document that all proposed mitigation procedures were followed throughout implementation of the subject work including quantification of mitigation. All such reports and documentation will be submitted to the A/COR, Management Office and MEO.

6.0 LIMITATIONS OF THE IEE

This IEE does not cover the following:

- Assistance, procurement or use of genetically modified organisms (GMOs) will require preparation of biosafety assessment (review) in accordance with ADS 201.3.12.2(b) in an amendment to the IEE approved by OAPA BEO.
- DCA or GDA programs.
- Procurement or use of Asbestos Containing Materials (ACM) (i.e. piping, roofing, etc.), Polychlorinated Biphenyl (PCB) containing transformers, or other hazardous/toxic materials for construction projects, including lead and mercury.
- Procurement or use of Ammonium Nitrate (AN) and Calcium Ammonium Nitrate (CAN) fertilizers.

Any of these actions would require an amendment to the IEE and the BEO/OAPA approval by the BEO/OAPA.

7.0 REVISIONS

Pursuant to 22 CFR 216.3(a)(9), if new information becomes available which indicates that activities to be funded by the project might be “major” and the project’s effect “significant,” or if additional activities are proposed that might be considered “major” and their effects significant, this IEE will be reviewed and revised by the originator of the project and submitted to the BEO/OAPA for approval and, if appropriate, an environmental assessment will be prepared. It is the responsibility of the USAID COR/AOR to keep the Mission Environmental Officer, USAID/Afghanistan and the BEO/OAPA informed of any new information or changes in scope and nature of the activity that might require revision of the IEE.

APPROVAL OF RECOMMENDED ENVIRONMENTAL ACTIONS

Mining Investment and Development for Afghans Sustainability MIDAS, IEE Amendment I

	Clearances:	Date:
COR	<u>cleared</u> Khalid Ludin	<u>7/01/2014</u>
Office Director, OEGI	<u>cleared</u> Charles Drilling	<u>7/01/2014</u>
Mission Environmental Officer	<u>cleared</u> Harry Bottenberg	<u>6/30/2014</u>
Regional Environmental Advisor/Asia & OAPA	<u>concurred by email</u> Andrei Barannik	<u>6/30/2014</u>
Regional Legal Advisor	<u>cleared</u> John Power	<u>7/01/2014</u>
Director, OPPD	<u>cleared</u> Amy Tohill-Stull	<u>7/02/2014</u>
Acting Deputy Mission Director	<u><i>Sonila Hysi</i></u> Sonila Hysi	<u>7/06/14</u>
Mission Director	<u><i>William Hammink</i></u> William Hammink	<u>7/7/14</u>
	Approval:	Date:
Bureau Environmental Officer/OAPA	<u><i>Gordon Weyand</i></u> Gordon Weyand	<u>7/8/14</u>

OAPA Tracking #: OAPA-14-JUL-AFC-0053

DISTRIBUTION: MEO, COR/AOR, OAA, RLA

Title	MIDAS IEE Amendment 1		
Date Tasked	6/30/2014		
Due Date	7/7/2014	12 AM	00
Status	Submitted to DMD for Clearance		
Priority	Normal		
Assigned Section/Office	MEO		
Assigned POC/Drafter	Stich, John ; <u>Bottenberg, Harry</u> ; Enter users separated with semicolons.		
Clearing Section/Office	DMD		
Clearing POC	<u>Plucknett, Roy</u> ;		
With Input From			
Final Destination	MD		
Paper Type	Other		
Status/Comments	<p>Copy Status and add your comments above</p> <p>Bottenberg, Harry (7/6/2014 10:07 AM): Roy, for your review. Hard copy is on the way.</p> <p>Tohill-Skill, Amy (7/2/2014 7:54 PM): I dear. ATS</p> <p>Bottenberg, Harry (7/2/2014 7:18 AM): Amy, for your review.</p> <p>Power, John R (Kibul) (7/1/2014 4:05 PM): I agree with the decision being made. The drilling for samples should if done per conditions, have insignificant impact.</p> <p>Bottenberg, Harry (7/1/2014 3:55 PM): Hi John, for your review. Thanks.</p> <p>Drilling, Charles (7/1/2014 3:39 PM): Eindpaal</p> <p>Bottenberg, Harry (7/1/2014 11:16 AM): Chuck, for your review.</p> <p>Ludin, Khalid (7/1/2014 10:19 AM):</p> <p>Bottenberg, Harry (6/30/2014 2:25 PM): Khalid, pls review.</p> <p>Bottenberg, Harry (6/30/2014 2:23 PM): I dear</p> <p>Bottenberg, Harry (6/30/2014 2:23 PM):</p>		
Date Completed			
Attachments	MIDAS IEE Amendment 1.docx (i) Delete OAPA 12 SEP AFG 0061 - MIDAS.pdf (i) Delete REQ approval email MIDAS IEE Am 1.pdf (i) Delete		

Bottenberg, Harry

From: Andrei Barannik <abarannik@usaid.gov>
Sent: Monday, June 30, 2014 1:10 PM
To: Bottenberg, Harry
Subject: Re: MIDAS IEE Amendment# 1

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Green Category

Harry - reviewed - few comments:

- should there be reference to the Equator Principles, the EITI and/or the Kimberly Process, if any diamonds are mined in AFG
- delete reference to PERSUAP in Sec 6 and amend ref to PEPRSUAP in Sec 4 stipulating that the PERSUAP shall be amended as warranted and approved by the BEO/OAPA
- Sec 6 - add lead and mercury after asbestos.

With this, pls have the Amendment duly signed in the Mission, put "concurred by e-mail" on REA line and send it to Gordon Weynand, BEO/OAPA (cced Megan Strembitsky) for his review and approval.

W/R,
Andrei

P.S. Send my best to John Stich who seems to be hanging around

On Mon, Jun 30, 2014 at 11:47 AM, Bottenberg, Harry <HBottenberg@state.gov> wrote:
Hi Andrei, see attached MIDAS IEE Amendment 1 for your review.

Harry Bottenberg, Ph.D.
Mission Environmental Officer
USAID Afghanistan, Kabul
tel: [1-301-490-1042](tel:1-301-490-1042), ext. [4749](tel:1-301-490-1042)
cell: [+93-\(0\)700-046-406](tel:1-301-490-1042)

From: Stich, John
Sent: Monday, June 30, 2014 8:50 AM
To: Bottenberg, Harry
Subject: RE: MIDAS IEE Amendment# 1.docx

ANNEX I

Project Name

Environmental Mitigation and Monitoring Plan (EMMP)

The EMMP must be completed by each organization carrying out activities under the USAID/Afghanistan XXX Program. It will include the organization's own report plus the EMMPs of any sub-awardees, to capture the entire range of activities funded by the USAID/Afghanistan XXXX Program under the award. The USAID/Afghanistan XXXX Program, implementing partners are responsible for ensuring that each sub-awardee completes and submits the EMMP to the prime in a timely fashion. The EMMPs are reviewed and approved by the COTR/AOTR and the Mission Environmental Officer.

The EMMP consists of 3 parts:

1. The Environmental Verification Form
2. The Mitigation Plan for specific environmental threats carried out by the implementer
3. The Reporting Form

The EMMP Environmental Verification Form

This form indicates the categories of activities carried out by implementing partners (or their sub-awardees) and serves to 'trigger' USAID expectations of mitigation measures.

The EMMP Mitigation Plan

Implementing partners will use the Mitigation Plan to describe the specific actions they will undertake under each category of activity when screening reveals potential environmental threats as outlined in Section 3 of this IEE. In these cases, mitigation will be undertaken as described in Section 5, Table 4 of this IEE. The Mitigation Plan also identifies the person responsible for monitoring compliance with mitigation and the indicator, method and frequency of monitoring.

The EMMP Reporting Form

This form reports on the results of applying the mitigation measures described in the Mitigation Plan and identifies outstanding issues with respect to required conditions. In some cases, digital photos will be the best way to document mitigation and should be included in the report.

EMMP Part 1 of 3: Environmental Verification Form

Name _____

Name of Prime Implementing
Organization: _____

Name of Sub-awardee Organization (if this EMMP is for
a sub):

Geographic location of USAID-funded activities
(Province, District): _____

Date of
Screening: _____

Funding Period for this award: FY____ - FY____

Current FY Resource Levels: FY _____

This report prepared by:

Name: _____ Date: _____

Date of Previous EMMP for this organization:
_____ (if any)

Indicate which activities your organization is implementing under this funding:

Key Elements of Program/Activities Implemented		Yes	No
1	<ul style="list-style-type: none"> education, technical assistance or training programs analyses, studies, academic or research workshops and meetings; document and information transfers; Studies, projects or programs intended to develop the capability of recipient countries to engage in development planning, except to the extent designed to result in activities directly affecting the environment (such as construction of facilities, etc.); 		
2	Development and dissemination of improved agricultural production technologies for selected crops and livestock		
3	Increased agricultural production		
4	Seeds, Germplasm, Exotic Species		
5	Dissemination of biotechnology products		
6	Small-scale construction or rehabilitation of buildings and water & sanitation infrastructure		
7	Sub-Grants		

US AID / Afghanistan ----Project Name----

EMMP Part 2 of 3: Environmental Mitigation and Monitoring Plan

[illegible]

EMMP part 3 of 3: Reporting form

List each Mitigation Measure from column 3 in the EMMP Mitigation Plan (EMMP Part 2 of 3)	Status of Mitigative Measures	List any outstanding issues relating to required conditions	Remarks



USAID
FROM THE AMERICAN PEOPLE

AFGHANISTAN

Certification

I certify the completeness and the accuracy of the mitigation and monitoring plan described above for which I am responsible and its compliance with the IEE:

Signature

Date

Print Name

Organization

BELOW THIS LINE FOR USAID USE ONLY

USAID/Afghanistan, _____ Program, Clearance of EMMP:

Agreements/Contracting Officer's Representative (A/COR): _____ Date:

Mission Environmental Officer: _____ Date: _____

As appropriate: REA, BEO [depending on nature of activity, which potentially may require an EA]

Note: if clearance is denied, comments must be provided to applicant